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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 HANNAH WILLIAMS,

Case No. 2:14-cv-00610-RFB-PAL

8 Plaintiff,

ORDER

9 v.

10 DOLLAR GENERAL CORPORATION, et al.,

11 Defendants.
12

13 Before the court is the parties' Stipulated Protective Order (Dkt. #31), which the court
14 approved with the exception of Paragraph 10 to facilitate discovery in this case. This order also
15 reminds counsel that there is a presumption of public access to judicial files and records. A party
16 seeking to file a confidential document under seal must file a motion to seal and must comply
17 with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172
18 (9th Cir. 2006).

19 Paragraph 10 of the parties' Stipulation contained a provision for filing documents under
20 seal with the court in a sealed envelope. While this was previously an accepted practice, the
21 court has adopted electronic filing procedures, and with a few exceptions not applicable here, the
22 Clerk of the Court no longer maintains paper records. Special Order 109 requires the Clerk of
23 the Court to maintain the official files for all cases filed on or after November 7, 2005, in
24 electronic form. The electronic record constitutes the official record of the court. Attorneys
25 must file documents under seal using the court's electronic filing procedures. *See* LR 10-5(b).
26 That rule provides:

27 Unless otherwise permitted by statute, rule or prior Court order,
28 papers filed with the Court under seal shall be accompanied by a
motion for leave to file those documents under seal, and shall be

1 filed in accordance with the Court's electronic filing procedures. If
 2 papers are filed under seal pursuant to prior Court order, the papers
 3 shall bear the following notation on the first page, directly under the
 4 case number: "FILED UNDER SEAL PURSUANT TO COURT
 ORDER DATED ____." All papers filed under seal will
 remain sealed until such time as the Court may deny the motion to
 seal or enter an order to unseal them, or the documents are unsealed
 pursuant to Local Rule.


5 The court has approved the parties' blanket protective order to facilitate their discovery
 6 exchanges. However, the parties have not shown, and court has not found, that any specific
 7 documents are secret or confidential. The parties have not provided specific facts supported by
 8 affidavits or concrete examples to establish that a protective order is required to protect any
 9 specific trade secret or other confidential information under Rule 26(c) or that disclosure would
 10 cause an identifiable and significant harm. The Ninth Circuit has held that there is a presumption
 11 of public access to judicial files and records and that parties seeking to maintain the
 12 confidentiality of documents attached to non-dispositive motions must show good cause exists to
 13 overcome the presumption of public access. *See Kamakana* 447 F.3d at 1179. Parties seeking to
 14 maintain the secrecy of documents attached to dispositive motions must show compelling
 15 reasons sufficient to overcome the presumption of public access. *Id.* at 1180.

16 Accordingly,

17 **IT IS ORDERED:**

- 18 1. Paragraph 10 of the Stipulated Protective Order is NOT APPROVED and is
 19 DELETED.
- 20 2. The parties shall comply with LR 10-5(b) and the Ninth Circuit's opinion in
 21 *Kamakana*, 447 F.3d 1172 (9th Cir. 2006), when filing documents under seal.

22 Dated this 3rd day of December, 2014.

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 25 PEGGY A. LEEN
 26 UNITED STATES MAGISTRATE JUDGE
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